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MINISTRY OF LABOUR

NOTIFICATION

*New Delhi, the 4th December 1956*

**S.R.O. 2981.**—In exercise of the powers conferred by sub-section (1) of section 7 of the Employees' Provident Funds Act, 1952 (19 of 1952), read with section 15 of the Working Journalists (Conditions of Service) and Miscellaneous Provisions Act, 1955 (45 of 1955), the Central Government hereby makes the following amendment in the Employees' Provident Funds Scheme, 1952, namely:—

After Chapter IX of the said Scheme, the following Chapter shall be inserted, namely:—

**"CHAPTER X**

*Special provisions in the case of newspaper establishments and newspaper employees*

80. The Scheme shall, in its application to newspaper establishments and newspaper employees, as defined in section 2 of the Working Journalists (Conditions of Service) and Miscellaneous Provisions Act, 1955, come into force on the 31st day of December, 1956 and be subject to the modifications mentioned below:—

1. In chapters I to IX, references to 'industry', 'factories' and 'employees' shall be construed as references to 'newspaper industry', 'newspaper establishments' and 'newspaper employees' respectively;

2. For paragraph 2(f), the following shall be substituted, namely:—

(f) 'excluded employee' means,

- (i) an employee who, having been a member of the Fund has withdrawn the full amount of his accumulations in the Fund under sub-paragraph (1) of paragraph 69;
- (ii) an apprentice and/or probationer.

*Explanation.*—'Apprentice' or 'probationer' means a person who, according to the standing orders applicable to the newspaper establishment concerned, is an apprentice or probationer or who is declared to be an apprentice or probationer by the authority specified in this behalf by the appropriate Government."

3. For paragraph 26 the following shall be substituted, namely:—

"26. *Class of employees entitled and required to join the Fund.*—(1) (a) Every newspaper employee employed to do any work in, or in relation to, any newspaper establishment to which this Scheme applies, other than an excluded employee, shall be entitled and required to become a member of the Fund from the beginning of the month following that in which this paragraph comes into

force in such establishment, if on the date of such coming into force he has completed twelve months' continuous service or has actually worked for not less than 240 days during a period of twelve months in that newspaper establishment or in another such establishment, under the same employer or partly in one and partly in the other.

(b) Every newspaper employee employed to do any work, in or in relation to, any newspaper establishment to which this Scheme applies other than an excluded employee, shall be entitled and required to become a member of the Fund from the beginning of the month following that in which this paragraph comes into force in such newspaper establishment, if on the date of such coming into force, such employee is a subscriber to a provident fund maintained in respect of the establishment or in respect of another establishment under the same employer.

(2) Where the Scheme applies to a newspaper establishment on the expiry or cancellation of an order of exemption under section 17 of the Act, every employee, who, but for the exemption, would have become and continued as a member of the Fund, shall become a member of the Fund forthwith.

(3) After this paragraph comes into force in a newspaper establishment, every newspaper employee thereof, other than an excluded employee, who has not become a member already shall also be entitled and required to become a member from the beginning of the month following that in which he completes twelve months' continuous service or has actually worked for not less than 240 days during a period of twelve months, in that establishment or in another such establishment under the same employer or partly in one and partly in the other.

(4) An excluded employee referred to in clause (ii) or paragraph 2(f) of a newspaper establishment to which this Scheme applies shall, on ceasing to be such an employee be entitled and required to become a member of the Fund from the beginning of the month following that in which he ceases to be such employee, provided that on the date on which he ceases to be an excluded employee, he has completed twelve months continuous service or has actually worked for not less than 240 days during a period of twelve months in the newspaper establishment or in another such establishment under the same employer or partly in one and partly in the other.

(5) On re-election of a class of newspaper employees exempted under paragraph 27-A to join the Fund or on the expiry or cancellation of an order under that paragraph, every newspaper employee, who but for such exemption would have become and continued as a member of the Fund, shall forthwith become a member thereof.

(6) Every newspaper employee who is a member of a private provident fund maintained in respect of an exempted newspaper establishment and who, but for the exemption would have become and continued as a member of the Fund shall, on joining a newspaper establishment to which this Scheme applies, become a member of the Fund forthwith.

(7) Notwithstanding the other provisions of this paragraph, a Commissioner may, on a joint request in writing of any newspaper employee of a newspaper establishment to which this Scheme applies and his employer, enroll such employee as a member who shall, thereafter, be entitled to the benefits and shall be subject to the conditions of the Fund:

Provided that the employer gives an undertaking, in writing, that he shall pay the administrative charges payable and comply with all statutory provisions of the Act and this Scheme in respect of such employee.

*Explanation I.*—For purposes of this paragraph the provision contained in clause (e) of paragraph 2 shall not apply and "continuous service" shall mean uninterrupted service and include service which is interrupted by sickness, accident, authorised leave, strike which is not illegal or involuntary unemployment.

*Explanation II.*—In computing the period of work for 240 days under this paragraph:—

- (a) periods of involuntary unemployment caused by stoppage of work due to shortage of raw materials or fuel, changes in the line of production, breakdown of machinery or any other similar cause;
- (b) periods of authorised leave; and

(c) in the case of female employees, periods of maternity leave for any number of days not exceeding twelve weeks,

shall also be deemed to be days on which the employee has worked in the factory.

**26-A. Retention of membership.**—A member of the Fund shall continue to be a member until he withdraws under paragraph 69 the amount standing to his credit in the Fund or is covered by a notification of exemption under section 17 of the Act or an order of exemption under paragraph 27 or 27-A.

*Explanation.*—In the case of a claim for refund by a member under sub-paragraph (2) of paragraph 69 the membership of the Fund shall be deemed to have been terminated from the date the payment is authorised to him by the authority specified in this behalf by the Commissioner irrespective of the date of claim.

**26-B. Resolution of doubts.**—If any question arises as to whether a newspaper employee is entitled or required to become or continue as member or as to the date from which he is entitled or required to become a member, the decision thereon of the Regional Commissioner, or, where a State Commissioner is appointed, that of the State Commissioner shall be final:

Provided that no decision shall be given unless both the employer and the employee have been given an opportunity of being heard.

[No. PF. 54(38)/56.]

R. C. SAKSENA, Under Secy.

